

REMARKS/ARGUMENTS

Claims 1-24 stand rejected in the outstanding Official Action, with claims 19 and 20 objected to. Claims 5, 13 and 21 have been cancelled without prejudice and claims 1, 9, 17 and 19 amended. Therefore, claims 1-4, 6-12, 14-20 and 22-24 remain in this application.

The Examiner's indication that the previously filed formal drawings are acceptable is very much appreciated.

In paragraph 7 on page 2 of the Official Action, the Examiner objects to the abstract of the disclosure. While Applicants have amended the abstract of the disclosure to cancel the reference to Figure 3 (which is unnecessary under U.S. practice), the Examiner's requirement of the deletion of the sentence beginning "the sending of e-mail messages" is not understood. This sentence is an explanation of a characteristic of mass mailing malware. This helps explain the technical disclosure of the invention and characterizes that which is new. Accordingly, Applicants would have thought that this additional information would be helpful to a reader of the Abstract in order to understand the benefit of the present invention. However, in accordance with the Examiner's requirement that this be deleted, Applicants have deleted the language above.

In section 9 of the Official Action, the Examiner correctly notes that the dependency of claim 19 should have been on claim 17, but due to a typographical error, it was written as being dependent upon claim 1. It is appreciated that the Examiner brought this typographical error to Applicants' attention, and claim 19 has been amended to properly depend from claim 17.

Claims 1-3, 5, 7, 9-11, 13, 15, 17-19, 21 and 23 stand rejected under 35 USC §102 as anticipated by Marsh (U.S. Patent 6,763,462). Applicants have amended independent claims 1, 9 and 17 to include the recitation of Applicants' quarantine queue logic (in the computer program

product of claim 1), the step of holding messages in a quarantine queue (in the method of claim 9) and the structure of a quarantine queue (in the apparatus of claim 17) into Applicants' independent claims 1, 17 and 19, and thereby canceling claims 5, 13 and 21.

The feature of utilizing a quarantine queue and holding previously generated e-mail messages for a predetermined period of time is not shown or disclosed or even suggested in the Marsh reference and has the benefit that any malware in the message will not be propagated until a sufficient time has passed in which the malware can be detected. This beneficial result will serve to reduce the spread of viruses and yet have very little adverse impact on the user's perception of the quasi- real-time nature of sending an e-mail message.

The Examiner suggests, with respect to the subject matter of claim 5 (in paragraph 15 on page 6 of the Official Action), that Marsh teaches the use of a quarantine queue at column 3. Applicants have reviewed the three cited portions of column 3 in Marsh and notes that these are directed towards having addressee information compared with sent messages from a preceding window of time. This timewise or temporal correlation is not the same as Applicants' claimed message quarantine queue.

While Marsh may need to keep a record of information concerning addresses of messages already sent, there is no indication that Marsh holds previously generated e-mail messages in a quarantine queue "for at least a predetermined quarantine period prior to being sent from said client computer" as set out in Applicants' independent claim 1 (similar language exists in amended claims 9 and 17). Inasmuch as this feature has been recited in amended independent claims 1, 9 and 17, it is incumbent upon the Examiner to point out how or where this structure or method step exists in the Marsh reference.

There is no disclosure in Marsh of any quarantine queue or the holding of an e-mail message in a quarantine queue for a predetermined quarantine period of time. How or where the Examiner believes there is any such disclosure in the cited portions of column 3 in the Marsh reference is not seen and he is respectfully requested to point out the specific line number of such discussion.

Quite clearly, Marsh does not hold messages, even though it may compare portions of a message with portions of a previously sent message. The original message is already sent, even though there may be some subsequent comparison. This is not the same as holding a message, i.e., not sending it, for a predetermined period of time. Accordingly, Marsh fails to disclose the structure and method steps set out in Applicants' independent claims 1, 9 and 17 and therefore any further rejection of claims 1-3, 5, 7, 9-11, 13, 15, 17-19, 21 and 23 as being anticipated by Marsh is respectfully traversed.

Claims 4, 6, 12, 14, 20 and 22 stand rejected under 35 USC §103 as unpatentable over Marsh in view of Bates (U.S. Patent 6,785,732). Inasmuch as claims 4, 6, 12, 14, 20 and 22 ultimately depend from independent claims 1, 9 or 17, the above comments distinguishing the Marsh reference from independent claims 1, 9 and 17 are herein incorporated by reference. Because neither Marsh nor Bates is alleged to teach or even suggest the use of any quarantine queue, they cannot render obvious the subject matter of dependent claims 4, 6, 12, 14, 20 and 22. Therefore, any further rejection of claims 4, 6, 12, 14, 20 and 22 under the Marsh/Bates combination is respectfully traversed.

Claims 8, 16 and 24 stand rejected under 35 USC §103 as unpatentable over Marsh in view of Kouznetsov (U.S. Patent 6,725,377). Again, because these claims ultimately depend from claims 1, 9 or 17, the above comments distinguishing Marsh from claims 1, 9 and 19 are

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herein incorporated by reference. Because these claims depend from claims 1, 9 and 17 and because Marsh fails to teach the subject matter of amended claims 1, 9 and 17, the Marsh/Kouznetsov combination cannot disclose those claims. It is noted that the Examiner has not alleged that Kouznetsov teaches or renders obvious the missing quarantine queue disclosure which is missing from the Marsh reference. Accordingly, any further rejection of claims 8, 16 and 24 under 35 USC §103 over the Marsh/Kouznetsov combination is respectfully traversed.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that remaining claims 1-4, 6-12, 14-20 and 22-24 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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